

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA §
§
v. § Case No. 3:07-CR-186-P
§
HERBERT JENA (01) § § ECF

**GOVERNMENT'S NOTICE OF INTENT
TO INTRODUCE BUSINESS RECORDS
UNDER RULES 803(6) AND 902 (11) FED. R. EVID.**

TO THE HONORABLE JUDGE OF SAID COURT:

The United States of America, having already given verbal notice, hereby gives formal written notice of its intent to introduce business records by affidavit or declaration under Rules 803(6) and 902(11) Fed. R. Evid., as follows:

1. A one page certification for the business records of Santa Barbara Bank and Trust (SBBT), signed on March 3, 2010 by SBBT custodian and Senior Risk Analyst Charles Redding;
2. A one page certification for the business records of Sewell Hummer of Plano (Sewell), signed on March 24, 2010 by Sewell custodian and controller Annette Starr;
3. A one page certification for the business records of HSBC Bank (HSBC), signed on April 11, 2008 by HSBC custodian and Vice President Brian Willson;
4. A one page certification for the business records of WMC Mortgage LLC (WMC), signed on March 22, 2010 by WMC custodian and Assistant Vice President of

Operations Diane Taylor;

5. A two page certification for the business records of Wachovia Bank (Wachovia), signed on August 21, 2007 by Wachovia Legal Processor Kelly Murray; and
6. A one page certification for the business records of Universal Tax Systems, signed on March 5, 2010 by WMC custodian Christopher Manuel.

Prior to the beginning of trial, copies of said records, along with the above-referenced affidavit or declaration of the authenticating witness, have been provided to the defense. Also prior to trial, the originals of these same records have been made available to defense counsel for his inspection. All business records which were marked as government exhibits and later offered into evidence as business records of the above-referenced businesses were self-authenticated by the above-listed declarations. Based upon these declarations, the government has no reason to doubt the authenticity of these business records.

Dated this 4th day of April, 2010.

\||||| ONLY SIGNATURES FOLLOW \|||||

Respectfully submitted,

JAMES T. JACKS
UNITED STATES ATTORNEY

S/ David L. Jarvis

DAVID L. JARVIS
Assistant United States Attorney
State Bar No. 10585500
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: 214.659.8729
Facsimile: 241.767.4104
Email: david.jarvis@usdoj.gov

S/ Robert A. Kemins

ROBERT A. KEMINS
Trial Attorney
United States Department of Justice
Tax Division
Massachusetts Bar No. 267330
717 N. Harwood, Suite 400
Dallas, Texas 75201
Telephone: 214.880.9781
Facsimile: 241.880.9741
Email: robert.a.kemins@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2010 I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

J. Craig Jett, Attorney for defendant Jena

S/ David L. Jarvis

DAVID L. JARVIS
Assistant United States Attorney